

Appl. No. 10/620,235
Ammdt. dated Oct. 20, 2004
Reply to Office Action of June 28, 2004

REMARKS/ARGUMENTS

Entry of this amendment and reconsideration of the present application, as amended, are respectfully requested.

Claims 1-6 and 8-17 are presently active in this application, claim 7 having been cancelled.

Claims 1-6 are allowed and claims 10, 11, 15 and 16 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7-9, 12-14 and 17 are rejected.

Claims 13 and 17 are amended to clarify the invention and the changes to the claims do not relate to patentability.

Claim Rejections-35 U.S.C. §103

Claims 8, 12, 13 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Feldman (U.S. Pat. No. 3,978,756) in view of Sperzel (U.S. Pat. No. 5,492,044). Claims 9 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Feldman in view of Sperzel and Nilsson et al. (U.S. Pat. No. 5,268,971). The Examiner states that Feldman shows different colored strings and that Sperzel shows different sized strings and takes a position that it would have been obvious to modify the strings of Feldman to have different sizes in view of Sperzel.

The Examiner's rejection is respectfully traversed on the grounds that Feldman does not disclose, teach or suggest different colored strings.

Feldman describes a guitar instruction system in which letter note indicia 6 is placed under strings 3 and adjacent frets 4 of a fingerboard 1. Letter note indicia 6 is printed in reverse so that when the guitar player views the fingerboard 1 through a mirror, the letter note indicia 6 will be in the proper orientation (see Fig. 5). In an embodiment shown in Fig. 2, portions of the fingerboard 1 underlying the strings 3 are colored with a different color which underlies the letter note indicia 6 (see col. 2, line 66 to col. 3, line 2).

The Examiner notes that at col. 3, lines 4-14, mention is allegedly made of the strings being colored in the manner set forth in a table. However, in light of the remaining portions of the specification, the Feldman invention clearly and unequivocally relates to the coloring of the fingerboard 1 and not the strings themselves. For example, the coloring according to Feldman is provided on removable labels 7 which are constructed in sections for placement between the frets 4 of the fingerboard 1 (see col. 3, lines 15-22). Moreover, col. 3, lines 1-2 clearly states that the coloring underlies the letter note indicia 6 and extends the full length of the fingerboard 1 (the strings do not underlie the letter note

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indicia). Again at col. 4, lines 18-24, mention is made that the coloring of the entire length of the fingerboard facilitates guitar playing instruction.

Considering the Feldman invention as shown and described, reference to the strings being colored at col. 3, lines 4-14 cannot mean that the strings 3 themselves are colored but rather that the portions below the strings 3 and extending along the entire length of the fingerboard 1 are colored in the manner set forth in the table. That is, the portion of the fingerboard 1 underlying the first string is colored orange, the portion of the fingerboard 1 underlying the second string is colored blue, etc. This interpretation is consistent with the Feldman disclosure.

Accordingly, Feldman shows coloring a fingerboard and does not disclose, teach or suggest coloring strings differently. Sperzel and Nilsson et al. also do not disclose coloring strings differently.

Since the cited prior art does not disclose all of the features set forth in independent claims 8 and 13, one can not combine these references and arrive at the embodiments of the invention set forth in these claims or in claims 9, 12, 14 and 17 which depend on one of these claims.

In view of the arguments presented above, it is respectfully submitted that the Examiner's rejections of the claims under 35 U.S.C. §103(a) as being unpatentable over Feldman in view of Sperzel alone or in combination with Nilsson et al. have been overcome and should be removed.

Petition for Extension

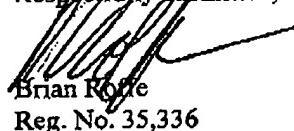
Applicant hereby petitions for a one-month extension of time to extend the time for response to the Office Action for one month from September 28, 2004, to October 28, 2004. The petition fee of \$55.00, applicant having qualified for small entity status, should be charged to Deposit Account No. 50-1268.

Interview Request

If the Examiner should determine that the application can be placed into condition for allowance in light of the above arguments, the Examiner is respectfully requested to contact the undersigned to discuss the application.

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An early and favorable action on the merits is earnestly solicited.

FOR THE APPLICANT
Respectfully submitted,

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